

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:13-00112

JODY LOWELL SOWDER

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On April 23, 2018, the United States of America appeared by Joshua C. Hanks, Assistant United States Attorney, and the defendant, Jody Lowell Sowder, appeared in person and by his counsel, Rhett H. Johnson, Assistant Federal Public Defender, for a hearing on the petition seeking revocation of supervised release and amendment thereto submitted by United States Probation Officer Justin L. Gibson. The defendant commenced a 28-month term of supervised release in this action on December 14, 2017, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on May 30, 2017.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed methamphetamine as evidenced by his admission to the probation officer on January 5, 2018, that he had intravenously used methamphetamine on or about December 16, 2017, two days after supervised release commenced; and on March 13, 2018, submitted a urine specimen positive for methamphetamine, the defendant having admitted to the probation officer that he used methamphetamine on or about March 11, 2018; and (2) the defendant failed to abide by the special condition that he spend a period of not less than 90 days at the inpatient residential program at Pinecrest inasmuch as he entered the program on December 26, 2018, and was terminated on February 15, 2018, after failing to follow the rules and regulations of the facility; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate


the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TEN (10) MONTHS.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: May 1, 2018

  
John T. Copenhaver, Jr.  
United States District Judge